U.S. DEPARTMENT OF COMMERCE
National Technical Information Service

PB-256 661

Summary of Contentions of Industry in Litigation Pending Under Sections 304(b) and 306 of Public Law 92-500

Environmental Protection Agency

Nov 75

BIBLIOGRAPHIC DATA SHEET	1. Report No. ES&WQIAC - 3	2.	3. Recipient's Accession No.
4. Title and Subtitle SUMMARY OF CONTENTIONS OF INDUSTRY IN LITIGATION PENDING UNDER SECT. 304(b) & 306 PL 92-500			5. Report Date November, 1975 6.
7. Author(s) Dr. Martha Sager, Mr. Martin Brossman, Mrs. Rose Mattinglev, Mr. Mario Fiol			8. Performing Organization Rept. No.
9. Performing Organization Name and Address ES&WQIAC-EPA Room 821 CM#2 Washington, D.C. 20460			10. Project/Task/Work Unit No. 11. Contract/Grant No.
12. Sponsoring Organization Name and Address SAME AS ABOVE			13. Type of Report & Period Covered Final, Nov. 1975 14.

15. Supplementary Notes

16. Abstracts

The objective of this ES&WQIAC study was to prepare an analysis of the recurring points raised by industry in litigation related to guidelines/limitations promulgated under PL 92-500 for industry by EPA. Such an analysis and understanding of all substantive issues and their validity can focus attention and effort on remedial action. Specifically the analysis is designed tyo provide guidance and assist in establishing priorities for ES&WQIAC in key areas for its future advisory duties on: Phase II and Group II industries; approaches for review and revision of promulgated standards; and needs for developing new procedures and approaches as a result of court action.

17. Key Words and Document Analysis. 17a. Descriptors

Law 0504
UF Public Law 92-500
NT Environmental Law

17b. Identifiers/Open-Ended Terms

17c. COSATI Field/Group

PRICES SUBJECT TO CHANGE

18. Availability Statement	19. Security Class (This Report)	21. No. of Pages
Release Unlimited	UNCLASSIFIED	27
	20. Security Class (This Page) UNCLASSIFIED	22. Price 4.00

FORM NTIS-35 (REV. 10-73) ENDORSED BY ANSI AND UNESCO. THIS FORM MAY BE REPRODUCED USCOMM-DC 8265-P74

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PB 256 661

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

SUMMARY OF CONTENTIONS OF INDUSTRY IN LITIGATION PENDING UNDER SECTIONS 304(b) AND 306 OF PUBLIC LAW 92-500

ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C.

November 11, 1975

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

Nov. 11, 1975

EFFLUENT STANDARDS AND WATER QUALITY
INFORMATION ADVISORY COMMITTEE

The Honorable Russell E. Train
Administrator
U.S. Environmental Protection Agency
Waterside Mall West
Washington, D. C. 20460

Dear Mr. Train:

This report has been prepared to provide guidance to the Agency and to the Effluent Standards and Water Quality Information Advisory Committee (ES&WQIAC) on substantive issues raised in current litigation on industrial point source limitations.

You will recall that the ES&WQIAC had advised of basic substantive inadequacies of proposed industrial point source effluent limitations in special communications to you since September 25, 1973. Unfortunately, there is little evidence that action was taken by the Agency in the utilization of the information provided, or responses to our concerns. By September 1975, some two years after the initial ES&WQIAC appraisal of inadequacies in industrial effluent limitations, the EPA is faced with more than 243 cases of litigation involving many of the issues cited by the Committee.

The impact of this litigation on implementation of PL 92-500 is of major concern to the Committee as well as the resulting costs incurred by the consumer and taxpayer. Delays in achieving the objectives of PL 92-500 have long term environmental effects seriously impacting on the quality of the Nation's waters. Furthermore, litigation costs of industry are passed on to the consumer. Similar costs for the Government are borne by the taxpayer including the costs of operating the judicial system. In consideration of the impact of delays in implementation of PL 92-500 and costs incurred, an equitable and timely resolution of the litigation is critical.

Hopefully this report will assist the Agency on focusing on an evaluation and resolution of issues on which the current litigation is based.

Respectfully,

Martha Sager

Martha Sager
Chairman

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FOREWORD

A primary responsibility of the Effluent Standards and Water Quality Information Advisory Committee (ES&WQIAC) under Sec. 515 of PL 92-500 is to provide information and advice to the Administrator of EPA on implementation of Sections 304(b), 306 and 307 of PL 92-500. Guidelines/limitations when promulgated by EPA were appealed by many industries. Both the technical and legal issues raised in the resulting litigation have a significant effect on the implementation of PL 92-500.

The objective of this ES&WQIAC study was to prepare an analysis of the recurring points raised by industry in litigation related to guidelines/limitations promulgated by EPA. Such an analysis and understanding of all substantive issues and their validity can focus attention and effort on remedial action. Specifically the analysis is designed to provide guidance and assist in establishing priorities for ES&WQIAC in key areas for its future advisory duties on: Phase II and Group II industries; approaches for review and revision of promulgated standards; and needs for developing new procedures and approaches as a result of court action.

TABLE OF CONTENTS

1. Foreword

2. Summary of Contentions of Industry in Litigation Pending Under Sections 304(b) and 306 of Public Law 92-500

3. Appendix - ES&WQIAC Past Recommendations to EPA on Substantive Issues now in Contention

-Reviewers' Comments on this Report

- ES&WQIAC Membership

ES&WQIAC
SUMMARY OF CONTENTIONS OF INDUSTRY IN LITIGATION
PENDING UNDER SECTIONS 304(b) AND
306 OF PUBLIC LAW 92-500

SUMMARY OF CONTENTIONS OF INDUSTRY IN LITIGATION PENDING UNDER SECTIONS 304(b) AND 306 OF PUBLIC LAW 92-500

Introduction

The substantive issues in the lawsuits challenging guideline/limitations promulgated under Sections 304(b) (and, necessarily, 301) and 306 of PL 92-500 are of vital interest to the Effluent Standards And Water Quality Information Advisory Committee (ES&WQIAC).

More than 243 cases have been filed by industry under 304(b) and 306 of PL 92-500 in Federal courts, most of which are filed in Federal Circuit Courts of Appeal. Analyses of the points repeatedly raised by industry in this current litigation will provide the ES&WQIAC with guidance for future advisory duties with regard to remedial action on Phase II industries; reviews and revisions of initial effluent limitations as required under the statute; and with respect to new procedures and approaches directed under the court actions themselves.

Litigation Procedure

There are ten Federal Circuit Courts geographically distributed throughout the U.S. and one in the District of Columbia.

Section 509 of PL 92-500 provides that certain sections of the law, including Section 301 but excluding Section 304(b), must be appealed in a Federal Circuit Court. (In cases where the law gives no directive, the Administrative Procedure Act governs appeals. These appeals are filed in Federal District Courts, of which each state has at least one.)

The procedure for appeal is as follows: the petitioner files notice of appeal with the court. After the notice of appeal is filed, EPA compiles and submits the record (6,000 pages in No. 74-1261 in the Fourth Circuit), and the petitioner's brief is filed. Many cases pending involving the same regulations may be consolidated - a joint brief may be filed arguing the jurisdictional issues common to all, and each petitioner may file a separate brief on its individual issues. For example, one brief in the vital petroleum refining category is confined to jurisdictional issues, deferring the "...highly complex scientific and technical issues underlaying the validity of EPA's so called 'guidelines for effluent limitations'." (Petitioners brief, Tenth Circuit No. 75-1404, American Petroleum Inst. et. al., vs. EPA, pg. 6.)

In hearing the case, the Agency's actions are presumed to be correct by the courts. The opposition must show that the Agency's action was arbitrary and capricious

and the record before the court shows no reasoned rationale for the Agency's conclusions. To show that EPA did not follow the statutory plan of PL 92-500 is necessary for each petitioner's effective opposition, and this underlies all of the points reported here.

Scope Of Study

This preliminary study was confined to analysis of contentions in petitioners' initial briefs for EPA's Phase I industries in the Federal Circuit Courts of Appeal, without regard to their validity, or to the position taken by Government reply briefs, or to the resolution of the contentions by the courts.

No effort has been made in the study to distinguish contentions under 1977 "best practicable treatment" standards, from those related to 1983 "best available treatment economically achievable" standards, or for new source standards.

The cut-off date for consideration of briefs was August 1, 1975 and this analysis includes all briefs obtainable prior to this date - 48 briefs consisting of 243 cases.

Discussion Of Analysis

Each brief was carefully reviewed to determine the nature of the contentions. Through this analysis,

16 substantive issues of special interest to ES&WQIAC were isolated:

Jurisdictional Issues;

304(b) Factors Ignored;

Opportunity for Comment Insufficient;

Data Base Inadequate;

Technology Transfer Improper;

Technology Unavailable;

Subcategorization Ineffective;

Lack of Rationale for Specific Decisions;

Variance Clause Unsatisfactory

Definition of Process Waste Water Unrealistic;

Exemplary Plant Concept Misused;

Contractors' Recommendations Disregarded;

Cost Considerations Disregarded;

Other Government Agencies Disregarded;

Energy Requirements Disregarded; and

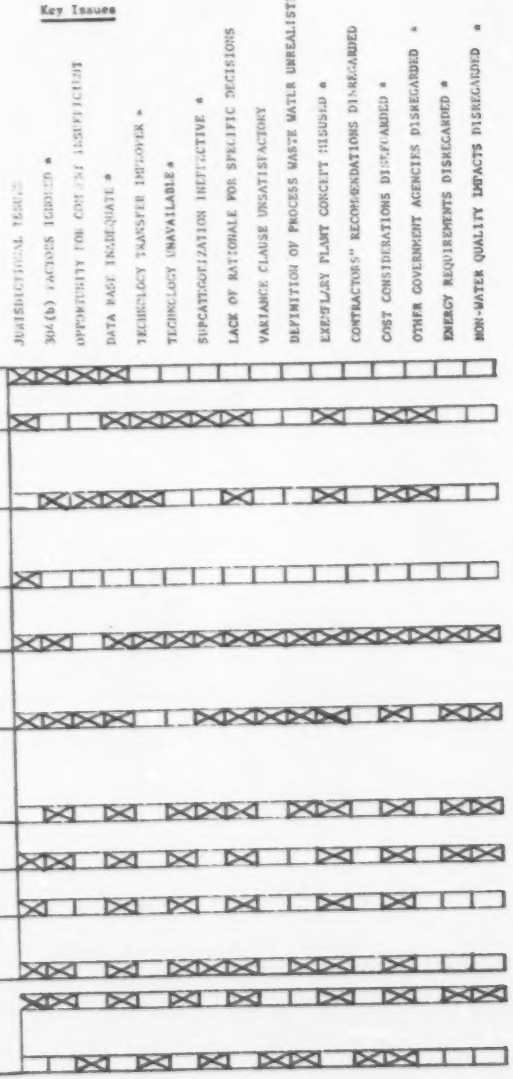
Non-Water Quality Impacts Disregarded.

Figure 1 presents the results of analysis of the briefs by industrial sector, court and specific brief for each of the 16 substantive issues identified. (These issues raised in the litigation have not been weighed to reflect: (1) the importance of the industry in gross national product; (2) the importance of the issue to the particular industry; or (3) the number of petitioners who may have joined in the brief.)

Figure #1

PHASE I
SUMMARY OF CONTENTION OF INDUSTRY
LITIGATION PENDING UNDER SECTIONS
304(b), and 306 OF PUBLIC LAW
92-500.

Industrial Sector, Court, and Briefs.



PART 406 GRAIN MILLS

1. Eight Circuit: No. 74-1447
CPC International Inc.,

2. Eight Circuit: No. 74-1448
CPC International Inc., et.al.,
No. 74-1449 Penick & Ford Ltd.

PART 407 CANNED AND PRESERVED FRUITS AND VEGETABLES

1. District of Columbia Circuit: No. 74-1464,
74-1513, 74-1480 American Frozen Food Inst.

PART 414 ORGANIC CHEMICALS

1. Fourth Circuit: No. 74-1459
Union Carbide Corporation

2. Fourth Circuit: No. 74-1448 and Nos. 74-1689,
74-1714, 74-1725, 74-1829, 74-1830, 74-1831,
74-1854, 74-1855, 74-1870 Monsanto Company

PART 415 INORGANIC CHEMICALS

1. Fourth Circuit: No. 74-1261
E.I. Du Pont de Nemours & Company

2. Fourth Circuit: No. 74-1296 FMC Corporation;
No. 74-1298 Dow Chemical, Union Carbide, Monsanto,
and Hercules; No. 74-1357 E.I. Du Pont de Nemours;
No. 74-1671 Cities Service, Diamond Shamrock, PPG
Industries, and BASF Wyandotte Corporation

3. Fourth Circuit: No. 74-1303 FMC Corporation;
No. 74-1586 Diamond Shamrock Corporation

4. Fourth Circuit: No. 74-1589 PPG Industries;
No. 74-1590 BASF Wyandotte Corporation

5. Fourth Circuit: No. 74-1290 Allied Chemical Corp.;
No. 74-1302 Olin Corporation; No. 74-1304 American
Cyanamid Company; No. 74-1670 Cities Service Company

6. Fourth Circuit: No. 74-1406 Stauffer Chemical Company

7. Fourth Circuit: No. 74-1297 American Cyanamid Company;
No. 74-1299 Allied Chemical Corporation; No. 74-1300
Olin Corporation; No. 74-1404 Stauffer Chemical Company

8. Fourth Circuit: No. 74-1741 N.L. Industries, Inc.

9. Fourth Circuit: No. 74-1301 Dow Chemical Company, Union Carbide Corp., Monsanto Company, Hercules, and Manufacturing Chemists Association.

PART 416 PLASTICS AND SYNTHETICS

1. Fourth Circuit: No. 74-1386 FMC Corporation

2. Fourth Circuit: No. 74-1400 American Cyanamid Corp.; No. 74-1502 Union Carbide Corporation; No. 74-1503 Hercules, Inc.; No. 74-1765 FMC Corporation

3. Fourth Circuit: No. 74-1504 Olin Corporation; No. 74-1763 Celanese Corporation; No. 74-1764 Union Carbide Corporation

4. Fourth Circuit: No. 74-1505 Monsanto Company; No. 74-1729 E.I. Du Pont de Nemours; No. 74-1761 Monsanto Company; No. 74-1762 E.I. Du Pont de Nemours

PART 418 FERTILIZER MANUFACTUTING

1. Fifth Circuit: No. 74-2761 and Nos. 74-2760, 74-2762, 74-2763, 74-2792, 74-2793 Agrico Chemical Company

2. Sixth Circuit: No. 74-1755 and Nos. 74-1756, 74-1852, 74-1854, 74-1861, 74-1894, 74-1935, 74-1853, 74-1855, 74-1862, 74-1895, 74-1934 Vistron Corporation, et.al.,

3. Ninth Circuit: No. 74-2272 J.R. Simplot Company

4. Ninth Circuit: No. 74-2273 J.R. Simplot Company

PART 419 PETROLEUM REFINING

1. Tenth Circuit: No. 75-1404 American Petroleum Inst.

PART 420 IRON AND STEEL

1. Third Circuit: No. 74-2256 CF&I Steel Corporation

2. Third Circuit: No. 74-1640 American Iron and Steel Institute, United States Steel Corp., National Steel Corp., Republic Steel Corp., Wheeling-Pittsburgh Steel Corporation, Inland Steel Company, Armco Steel Corp., Jones and Laughlin Steel Corp.; No. 74-1642 Bethelem Steel Corp., Interlake Steel, Inc., and Alleghany Ludlum Industries, Inc.; No. 74-1962 Sharon Steel Corp., The Babcock & Wilcox Company, Crucible Inc., Cyclops Corp., Detroit Steel Corp., Atlantic Steel Company, Lone Star Steel Company, Continental Copper & Steel Industries, Inc., The Timken Company, Shenango Inc.; No. 74-2006 Youngstown Sheet and Tube Company

3. Third Circuit: No. 74-2006 Youngstown Sheet and Tube Company

PART 421 NONFERROUS METALS

1. Fourth Circuit: No. 74-1760 Reynolds Metal Company

PART 422 PHOSPHATE MANUFACTURING

1. Second Circuit: No. 74-1683 Hooker Chemicals and Plastics Corp., Stauffer Chemical Company and Monsanto Company

2. Second Circuit: No. 74-1687 Hooker Chemicals and Plastics Corp., Stauffer Chemical Company and Monsanto Company

PART 423 STEAM ELECTRIC POWER GENERATING

1. Fourth Circuit: Nos. 74-2096, 74-2188, 74-2196, 74-2236 74-2263, 74-2264, 74-2265, 74-2268, 74-2269, 74-2270, 74-2286, 74-2298, 74-2312, 74-2313, 74-2315, 74-2339. 74-2340, 74-2341, 74-2343, 74-2365, 74-2366, 74-2396, 75-1014, 75-1020, 75-1021, 75-1022, 75-1047, 74-1074, 75-1078, 75-1078, 75-1091, 75-1094, 75-1095, 75-1198, 75-1199, 75-1201, 75-1223, 75-1255, 75-1345, 75-1346, 75-1347 Appalachian Power Company, et. al.,

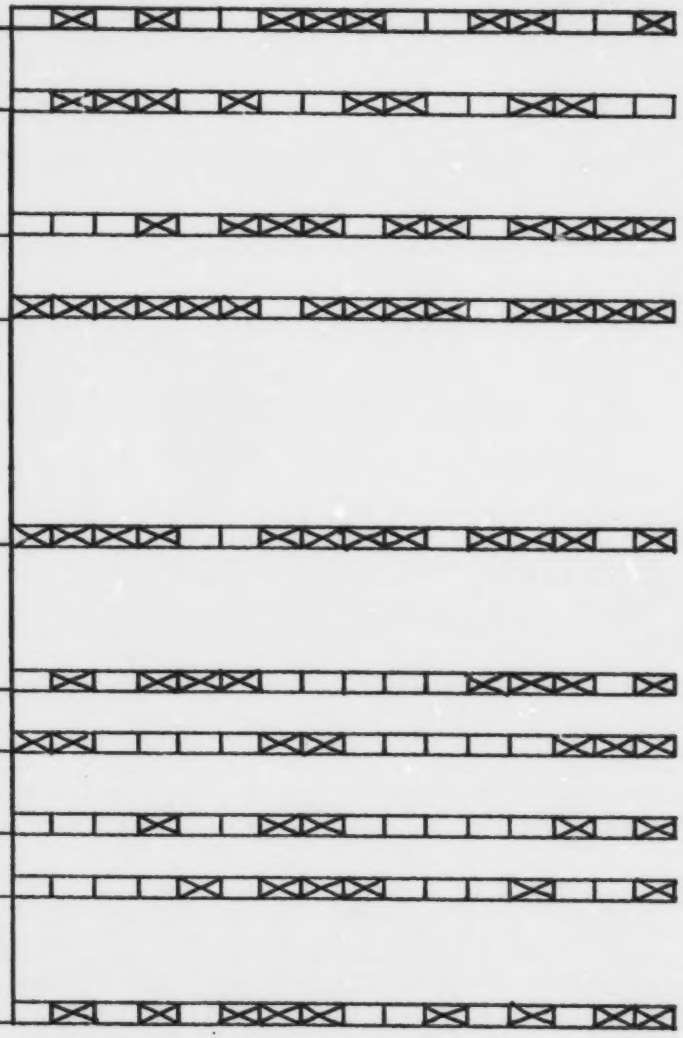
2. Fourth Circuit: No. 74-2096 Appalachian Power Company, et al., (Addendum brief for petitioners Boston Edison Company, Florida Power & Light Company, New England Power Company, Pacific Gas and Electrict Company, Public Service Company of New Hampshire, San Diego Gas and Electrict Company, and Southern California Edison Company)

3. Fourth Circuit: No. 75-1199 Central Power and Light Company and West Texas Utilities Company

4. Fourth Circuit: No. 75-1078 Texas Utilities Generating Company, Dallas Power & Light Company, Texas Electric Service Company and Texas Power & Light Company

5. Fourth Circuit: No. 74-2339 Addendum Brief for Consolidated Edison Company of New York, Inc.

6. Fourth Circuit: Nos. 74-2096, 74-2263, 75-1021 Appalachian Power Company et al., (Addendum Brief for petitioners Appalachian Power Company, Indiana & Michigan Electric Company, Indiana & Michigan Power Company, Kentucky Power Company, Ohio Electric Company, Ohio Power Company)



7. Fourth Circuit: No. 74-2096 Appalachian Power Company, et al., (Addendum Brief for petitioner Virginia Electric Power Company)

8. Fourth Circuit: No. 75-1022 Brazos River Authority

9. Fourth Circuit: No. 75-1200 The State of Texas

PART 425 LEATHER TANNING AND FINISHING POINT

1. Fourth Circuit: Nos. 74-1740 and 74-1753 Tanners' Council of America, Inc.

PART 428 RUBBER PROCESSING

1. Second Circuit: No. 74-1809 The Goodyear Tire & Rubber Company, Lee Tire & Rubber Company and The Kelly Springfield Tire Company

2. Second Circuit: No. 74-1787 Firestone Tire & Rubber Company

3. Second Circuit: No. 74-1691 Uniroyal, Inc.

PART 429 TIMBER PRODUCTS PROCESSING

1. District of Columbia Circuit: No. 74-1967 American Paper Institute, Boise Cascade Corporation, Georgia-Pacific Corporation, International Paper Company, Mead Corporation, Owens-Illionois Incorporated, Packaging Corporation of America, Westvaco and Weyerhauser Company

2. District of Columbia Circuit: Nos. 74-1480, 75-1516, 74-1544 American Paper Company; No. 74-1814 Boise Cascade Corporation; No. 74-1815 Georgia-Pacific Corporation

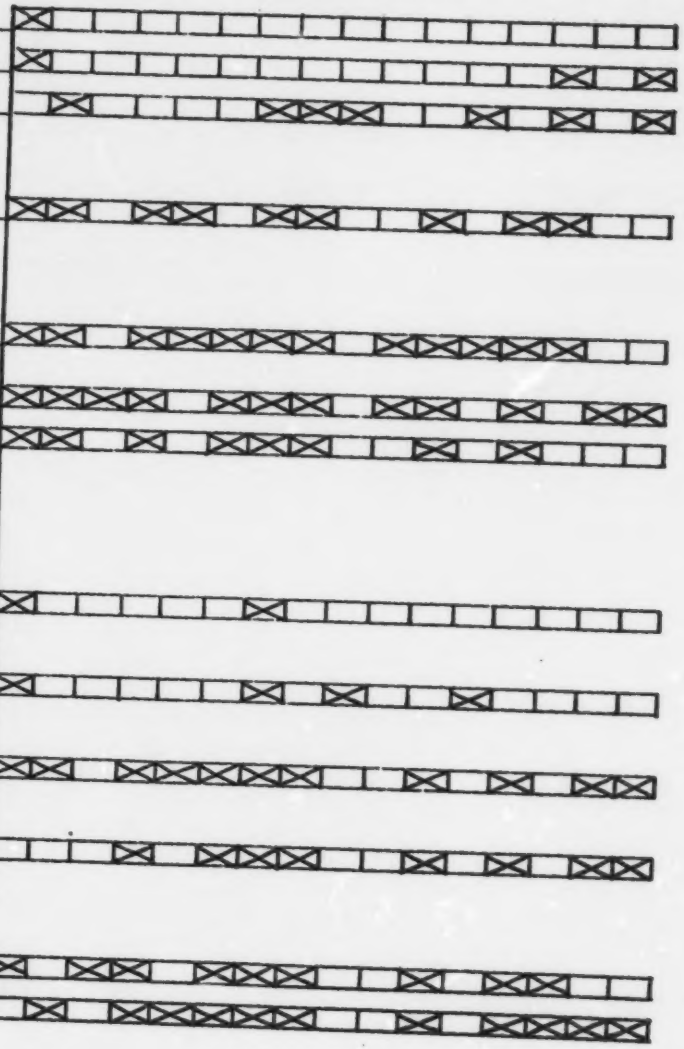
3. District of Columbia Circuit: No. 74-1816 International Paper Company; No. 74-1817 Mead Corporation; No. 74-1818 Owens-Illinois Incorporated

4. District of Columbia Circuit: No. 74-1819 Packaging Corporation of America; No. 74-1820 Westvaco; No. 74-1821 Weyerhauser Company

PART 432 MEAT PRODUCTS

1. Eight Circuit: No. 74-1387 The National Independent Meat Packers Association et al.,

2. Seventh Circuit: No. 74-1394 American Meat Institute



The issues are necessarily interwoven and interlocked thus there is some inescapable overlapping in analysis. One paragraph or one sentence may raise several overlapping issues. For example, " EPA's cost analysis of achieving the sodium metal guideline limit is unintelligible because it assigned no cost for the key element of suspended solid removal to meet the 1977 guideline. The abatement costs for 1983 are incomplete because EPA overlooked certain effluent streams. EPA's energy figures are out of date, incomplete, and unsupported." (Petitioner Brief, Fourth Circuit No. 74-1406, Stauffer Chemical Co. vs. EPA pg. 12.)

Several of the issues separated out are basic. If the data upon which the EPA based its regulations was poor; if the EPA did not follow Section 304(b) in setting up standards, substituting the so-called "variance clause"; if it did not give a reasoned rationale for its general procedure and its specific findings, then its final decision could only be correct by happy accident.

Through analysis of the issues a pattern emerged of protest of lack of sufficient data upon which to base decision, lack of a reasoned rationale for decision, both in general and in particular, misuse of the exemplary plant concept, rigidity of single number limitations, lack of an opportunity for effective comment on proposed

regulations, and similar deficiencies which the ES&WQIAC has pointed out to the EPA Administrator in numerous comments since the Committee's inception. Examples of ES&WQIAC's concerns and advice to the Administrator on these issues are contained in the Appendix.

A P P E N D I X

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

September 25, 1973

EFFLUENT STANDARDS AND WATER QUALITY
INFORMATION ADVISORY COMMITTEE

EFFLUENT STANDARDS AND WATER QUALITY INFORMATION ADVISORY COMMITTEE

EVALUATION OF CURRENT METHODS FOR ESTABLISHING EFFLUENT LIMITATIONS

FOR INDUSTRIAL POINT SOURCES DISCHARGE

The Committee has found the current procedures for establishing effluent limitations guidelines for point source industrial discharges to be un-scientific in their disregard of the following items and/or variables:

1. Little consideration has been given to the erroneous and/or incomplete data on which many of the initial draft contractors' reports were based.
2. Little consideration has been given to great differences in individual facilities among generic industries with regard to RAW WASTE LOAD: SIZE OF PLANT: AGE AND TYPE OF PROCESS EQUIPMENT NOW OPERATING IN A GIVEN PLANT: CLIMATIC AND GEOGRAPHIC LOCATION FACTORS.
3. Lack of consideration of difference between SOLUBLE AND SUSPENDED BOD.
4. ECONOMIC EQUITY has been disregarded with respect to instructions in Sec. 304(b) involving cost of application of practical and available technology; particularly as these relate to SMALL PLANTS within generic industries.
5. SPECIFIC EXAMPLES where these items have not been given adequate consideration are to be found in the following studies and published proposed limitations:

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ELECTROPLATING	ORGANIC CHEMICALS
SEAFOOD PROCESSING	PLASTICS AND SYNTHETICS
INORGANIC CHEMICALS	CEMENT
FRUITS AND VEGETABLES	MEAT PACKING
STEAM ELECTRIC POWER	IRON AND STEEL

(Others not cited here)

6. Little consideration for some industrial sectors has been given to utility of the guidelines to actual permit conditions in regions.
7. THEREFORE, ES&WQIAC has developed a scientifically defensible method for establishing industrial point source effluent limitations, which method is described in detail in the attached document.

In conclusion, the ES&WQIAC, recognizing the serious need to establish scientifically defensible bases for standards, regulations and guidelines promulgated through the Federal Register, strongly recommends adoption and publication of the analytical procedure described in the attachment. It is generally held that this recommended approach will guarantee a more equitable treatment for both industry and public concerns in determining the impact of Federal Regulations technologically, economically, and from a timetable for implementation viewpoint. The Committee seeks the guidance and direction of the Administrator in the operational direction and implementation of its proposal since this responsibility falls beyond the scope of its immediate mission.

Martha Sager

Martha Sager, Chairman
Effluent Standards and Water Quality
Information Advisory Committee

Dated: September 25, 1973

Attachment:

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October 21, 1975

Dr. Martha Sager
Chairman
U. S. Environmental Protection Agency
Washington, D. C. 20460

Dear Dr. Sager:

I have your letter of September 14, 1975, together with a copy of a proposed report on the "guideline" litigation. I have two suggestions for the Committee's consideration.

(1) I am becoming increasingly impressed with the importance of the determination of the correct variability factor for use in the regulations. EPA has not adopted a standard method for determining variability. Consequently, there is no uniformity in the way variability is calculated. The counterpart of a variability determination is a determination of the allowance that will be made for the statistically projected number of times a plant will exceed a number in the regulation when the variability is calculated on a 95% or even 99% confidence level. We have referred to these incidents as "excursions" although they are more accurately described as incidents which are forecast to occur because of the stastical methodology used to determine variability. This, of course, has great consequences on enforcement and the issue of penalties for violations.

(2) The definition of BPCTCA may have to be reconsidered if the Courts in the litigation set EPA's requlations aside. The time to identify and install technology to achieve a July 1, 1977 objective after the regulations have been validly issued

Dr. Martha Sager October 21, 1975

following a remand will be very short. What might have been conceived as "best practicable" when a plant had a three year lead time, is no longer practicable when the lead time is reduced to 18 months or less.

I shall be interested in seeing the final report.

Very truly yours,

Robert C. Barnard

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October 27, 1975

Mr. Martin W. Brossman
Executive Director ES&WQIAC
Environmental Protection Agency
Crystal Mall Building #2
Room 821
Washington, D.C. 20460

Re: ES&WQIAC's Report on Pending Litigation
Pursuant to Public Law 92-500

Dear Mr. Brossman:

I am in receipt of ES&WQIAC's draft report entitled "Summary of Contentions of Industry in Litigation Pending Under Sections 304(b) and 306 of Public Law 92-500." As the attorney for the National Independent Meat Packers Association, et al. in their challenge to the meat packing guidelines filed in the Eighth Circuit Court of Appeals and now filed as an action in the Federal District Court in Omaha, I very much appreciate the opportunity to review and comment upon said report.

I am particularly pleased in this regard since the report generally confirms the position advanced by NIMPA, et al. in both the Eighth Circuit and Omaha cases. In my opinion, the number of pending actions involving effluent guidelines would be dramatically reduced had EPA followed the advice of ES&WQIAC in such matters as were set forth in the Committee's memorandum of September 25, 1973, which document is appended to the draft report.

In its brief to the Eighth Circuit, NIMPA specifically referenced the Committee's criticisms in the available documentation indicating that EPA ignored such criticisms. In its responsive brief, EPA, was in my opinion, less than candid when it stated to the court that ES&WQIAC had realized that the statutory deadline for implementation of effluent guidelines prevented certain of the Committee's recommendations, e.g., the

matrix system, from being utilized. I believe it is clear from several documents which appear in the record for the meat packing guideines that the closest one could come to EPA's interpretation of the Committee's position would be to visualize the Committee as simply throwing up its hands in frustration by reason of EPA's failure to consult with or, at a minimum, to take into account the Committee's criticisms. Quite obviously, this is the case in light of the draft report and ES&WQIAC's testimony before the oversight hearings in August, 1974.

My only recommendation with regard to the draft report is to ensure that EPA's failure to utilize the Committee in the way that Congress intended would be well-noted and well-documented in a manner such that there can be no possible misinterpretation for those who read the final report.

If I can be of any further aid to the Committee regarding the pending litigation in which I am involved, please feel free to contact me.

Sincerely,

G. Robert Johnson

GRJ/amj

cc: Mr. John Mohay
Stephen L. Schaeffer, Esq.
Mr. J. A. Chittenden

REPORT OF EFFLUENT STANDARDS & WATER QUALITY INFORMATIONM ADVISORY COMMITTEE

TO CONGRESSMAN JIM WRIGHT'S HOUSE OVERSIGHT COMMITTEE, AUGUST 1974

SUMMARY:

The ES&WQIAC Members have been concerned with the following critical issues with regard to the effluent limitations for industrial point source discharges being developed by EPA under Sections 304(b), 306, and 307 of PL 92-500; specifically:

(1) EPA's interpretations of definitive terminology and the effects of these interpretations on the promulgated limitations, i.e., Exemplary Plants; National Standard; Guideline; Effluent Limitation; BPT; and, Zero Pollutant Discharge.

(2) The effectiveness of the methodology selected by the agency to develop industrial point source effluent limitations; i.e., selection of a descriptive and qualitative contractor's approach rather than a quantitative mathematical methodology.

(3) Specific items which resulted because of the definitions adopted by the agency and the application of the methodology selected:

(a) % BOD reduction required of BPT by 1977;
(b) Factors excluded generally in establishing subscategories in many of the promulgated regulations;
(c) Economic equities largely imbalanced in favor of large "most exemplary plants";
(d) Lack of quantitiative economic analysis of non-water impacts and energy requirements in the promulgated documents to date;
(e) Lack of economic and scientific substantiation with regard for Section 307 and toxic materials effluent discharges; and,
(f) Lack of cooperation by the Effluent Guidelines Division with the Committee efforts to provide, assess and evaluate scientific and technical information for the administrator of EPA according to the mandate for the ES&WQIAC in Section 515 of PL 92-500.

Submitted by,

Martha Sager

Martha Sager, Chairman
Effleunt Standards and Water Quality
Information Advisory Committee

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*U.S. GOVERNMENT PRINTING OFFICE: 1975 210-810/68 1-3